

Absent—Excused.

Baker of Milam. Patterson.
Carter of Hays. Russell.
Hardin of Callahan.
of Kaufman. Stiernberg.
Hull. Strickland.
Lusk.
Morgan
of Robertson.

Mr. Satterwhite moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider. The motion to table prevailed.

NOTICE GIVEN.

Mrs. Wilmans gave notice that she would on tomorrow call up, for consideration at that time, House bill No. 86.

Mr. Stewart of Edwards gave notice that he would on tomorrow call up, for consideration at that time, House bill No. 97.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, February 23, 1923.
Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House to return Senate bill No. 52 for further consideration and herewith return same.

Respectfully,
RICHARD BLALOCK,
Assistant Secretary of the Senate.

ADJOURNMENT.

Mr. Jones moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Purl moved that the House adjourn until 10 o'clock a. m. next Monday.

The motion of Mr. Jones prevailed and the House, accordingly, at 6:10 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports on bills, as follows:

Judiciary—House bills Nos. 392, 599.
Judicial Districts—House bill No. 618.

Public Health—House bills Nos. 624, 613.

Game and Fisheries—House bill No. 617.

Roads, Bridges and Ferries—House bill No. 435.

Common Carriers—Senate bills Nos. 220, 314, 54.

The following committees have filed unfavorable reports on bills, as follows:

Common Carriers—House bill No. 573.

Roads, Bridges and Ferries—House bills Nos. 581, 488, 625, 579, 580.

Judiciary—House bill No. 591.

THIRTY-FOURTH DAY.

(Saturday, February 24, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Faubion.
Amsler.	Fields.
Arnold.	Finlay.
Atkinson.	Frnka.
Avis.	Fugler.
Baker of Orange.	Gipson.
Baldwin.	Greer.
Barker.	Harrington.
Barrett.	Harris.
Beasley.	Henderson
Bell.	of Marion.
Bird.	Henderson
Blount.	of McLennan.
Bonham.	Hendricks.
Brady.	Howeth.
Bryant.	Irwin.
Burmeister.	Jacks.
Cable.	Jennings.
Carpenter	Jones.
of Matagorda.	Kemble.
Carson.	Lackey.
Carter of Coke.	Laird.
Chitwood.	Lamb.
Coffee.	Lane.
Collins.	LeMaster.
Covey.	LeStourgeon.
Cowen.	Lewis.
Crawford.	Loftin.
Culp.	Looney.
Davis.	McBride.
DeBerry.	McDaniel.
Dinkle.	McDonald.
Dodd.	McFarlane.
Downs.	McKean.
Driggers.	McNatt.
Duffey.	Martin.
Dunlap.	Mathes.
Dunn.	Maxwell.
Edwards.	Melson.

Merriman.	Sanford.
Merritt.	Satterwhite.
Miller.	Shires.
Montgomery.	Simpson.
Moore.	Stell.
Morgan	Stewart
of Liberty.	of Edwards.
Pate.	Stewart of Jasper.
Patman.	Stewart of Reeves.
Perdue.	Storey.
Pinkston.	Stroder.
Pool.	Sweet.
Potter.	Thrasher.
Price.	Turner.
Purl.	Vaughan.
Quaid.	Wallace.
Quinn.	Wells.
Rice.	Westbrook.
Robinson.	Wessels.
Rountree.	Williamson.
Rowland.	Wilmons.
Russell of Trinity.	Winfree.
Sackett.	Young.

Absent.

Hull.	Smith.
Johnson.	Teer.

Absent—Excused,

Baker of Milam.	Morgan
Bobbitt.	of Robertson.
Carpenter	Patterson.
of Dallas.	Pope.
Carter of Hays.	Rogers.
Davenport.	Russell
Dielmann.	of Callahan.
Durham.	Shearer.
Green.	Sparkman.
Hardin of Erath.	Stevens.
Hardin	Stiernberg.
of Kaufman.	Strickland.
Houston.	Thompson.
Hughes.	Wilson.
Lusk.	

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Durham, for today, on motion of Mr. Jones.

Mr. Dielmann, for today, on motion of Mr. Young.

Mr. Carpenter of Dallas, for today, on motion of Mr. Irwin.

Mr. Sparkman, for today, on motion of Mr. Westbrook.

Mr. Rogers, for today, on motion of Mr. Cowen.

Mr. Houston and Mr. Bobbitt, for today, on motion of Mr. Arnold.

Mr. Baker of Milam, for today, on motion of Mr. Baker of Orange.

Mr. Hughes, for today, on motion of Mr. Henderson of McLennan.

Mr. Hardin of Erath, for today, on motion of Mr. Covey.

Mr. Patterson, for yesterday and today, on motion of Mr. Chitwood.

Mr. Wilson, for today, on motion of Mr. Dunn.

Mr. Thompson, for today, on motion of Mr. LeMaster.

Mr. Shearer, for today, on motion of Mr. Turner.

Mr. Pope, for today, on motion of Mr. Winfree.

The following members were granted leaves of absence on account of sickness:

Mr. Stevens, for today, on motion of Mr. Quaid.

Mr. Davenport, for today, on motion of Mr. LeSturgeon.

Mr. Green, for today and indefinitely, on motion of Mr. Price.

Mr. Carter of Hays, for today, on motion of Mr. Potter.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. McDaniel, Mr. Stewart of Edwards, Mr. Stewart of Reeves and Mr. Stroder:

H. No. 638, A bill to be entitled "An Act to stop traffic in cigarettes; prohibiting the sale, manufacture, giving away, offering for sale or giving away, possession for the purpose of sale or giving away or making or manufacturing for sale cigarette wrappers or papers; prescribing penalties, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Avis:

H. B. No. 639, A bill to be entitled "An Act to amend Articles 490 and 493 of the Penal Code of the State of Texas of 1919; defining adultery and punishment therefor, and repealing Article 492 of the Penal Code of the State of Texas of 1911, and all other laws or parts of laws in conflict herewith."

Referred to Committee on Criminal Jurisprudence.

By Mr. Chitwood:

H. B. No. 640, A bill to be entitled "An Act to amend Section 23, Chapter 44, Acts of the Thirty-fifth Legislature, First Called Session, relating to the use of the adopted text books in the public free schools; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

By Mr. Chitwood:

H. B. No. 641, A bill to be entitled "An Act to amend Section 2, Chapter 23 of the Thirty-sixth Legislature, Second Called Session, providing for the setting apart of an amount sufficient to purchase and distribute the necessary school books for the use of the public free schools of this State; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

By Mr. Frnka:

H. B. No. 642, A bill to be entitled "An Act to define the offense of kidnapping and abducting of persons for the purpose of causing persons kidnapped or abducted fear of bodily harm or for the purpose of whipping, injuring, maiming, tarring, tarring and feathering, cutting, clipping or otherwise removing hair of kidnapped and abducted persons or for the purpose of holding kidnapped and abducted persons for demanding of or the payment of ransom for the return or release of such person; defining the offense to counsel, advise, suggest, aid, encourage, support or in any wise assist any person to kidnap and abduct another person for the purpose of causing such person so kidnapped and abducted fear of bodily harm or for the purpose of whipping, injuring, maiming, tarring, tarring and feathering, cutting, clipping or otherwise removing hair of kidnapped and abducted persons or for the purpose of demanding of or for the payment of ransom for the return or release of such person so kidnapped and abducted; defining the offense after kidnapping or abducting a person to counsel, advise, suggest, aid, encourage, support or in any manner assist in or to cause fear of bodily harm, to whip, to injure, to maim, to tar, to tar and feather, to cut, clip or otherwise remove hair of persons kidnapped and abducted, to hold persons for the purpose of demanding of or the payment of ransom

for the return or release of the person kidnapped and abducted; defining the offense to advise, suggest, foster, encourage, support or in any manner design to kidnap and abduct any person for the purpose of causing such person kidnapped and abducted fear of bodily harm, to be injured, to be maimed, to be tarred, to be tarred and feathered, to have his hair cut, clipped or otherwise removed, to be held for the purpose of demanding payment of or the payment of ransom for the return or release of the person kidnapped and abducted; prescribing penalties for violations; defining 'kidnap,' 'kidnapped,' 'kidnapping,' 'abduct,' 'abducted' and 'abducting'; defining 'force' and 'forcing'; defining 'threat' and 'threats'; defining 'fraud'; defining 'tar,' 'tarring,' 'tar and feather' and 'tarring and feathering'; providing that persons convicted of any of the offenses enumerated in this act shall not be entitled to the benefit of the suspended sentence law; making this act cumulative to the present law on kidnapping; providing that if any part of this act is declared unconstitutional it shall not affect the remainder hereof, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Greer:

H. B. No. 643, A bill to be entitled "An Act creating the Brownsboro Independent School District in Henderson county, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties and liabilities now conferred and imposed by the general laws of Texas upon independent school districts and the board of trustees thereof; declaring that all taxes or bonds heretofore authorized by any former school district included within the bounds thereof shall remain in full force and effect, and declaring an emergency."

Referred to Committee on School Districts.

SENATE BILLS ON FIRST READING.

The following Senate bills were laid before the House, read severally first time, and referred to the appropriate committees as follows:

Senate bill No. 343, to the Committee on Counties.

Senate bill No. 324, to the Committee on Criminal Jurisprudence.

Senate bill No. 222, to the Committee on School Districts.

Senate bill No. 213, to the Committee on Insurance.

Senate bill No. 181, to the Judiciary Committee.

Senate bill No. 142, to the Committee on Counties.

Senate bill No. 152, to the Committee on Judicial Districts.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, February 24, 1923.
Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 63, A bill to be entitled "An Act to establish and create a court to be known as the 'Corporation Court in Port Arthur, Texas,' and to prescribe its organization, jurisdiction and procedure of other courts thereto, repeal all laws in conflict herewith and declaring an emergency," with amendments.

H. B. No. 606, A bill to be entitled "An Act to reorganize the Thirty-eighth and Sixty-third Judicial Districts of the State of Texas; and to prescribe the time, and fix the terms of holding the courts in each of said judicial districts, and to conform all writs and process from such courts to such changes, and to make all process issued or served before this act takes effect, including recognizances and bonds, returnable to the terms of the courts in the several districts as herein fixed and to validate process, and to validate the summoning of grand and petit jurors and juries; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Respectfully,
RICHARD BLALOCK,
Assistant Secretary of the Senate.

BILLS ORDERED PRINTED.

On motion of Mr. Cable, House bill No. 533, reported adversely with a minority favorable report, was ordered printed.

On motion of Mr. Dodd, Senate bill No. 151, reported adversely with a minority favorable report, was ordered printed.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Barrett, the following bills were ordered not printed: Senate bill No. 340 and House bill No. 616.

On motion of Mr. Gipson, House bill No. 637 was ordered not printed.

BILLS RECOMMITTED.

On motion of Mr. Robinson, House bill No. 555 was recommitted to the Committee on Public Health.

On motion of Mr. Loftin, House bill No. 625 was recommitted to the Committee on Roads, Bridges and Ferries.

RELATING TO DECLARATION OF INDEPENDENCE OF TEXAS.

Mr. Rountree offered the following resolution:

Whereas, The people of Texas through their delegates in general convention on March 2, 1836, assembled at old Washington on the Brazos river, declared through a great and enduring declaration that they were a free people; therefore, be it

Resolved, That at 12 o'clock meridian on Friday, March 2, 1923, the 87th anniversary of the signing of the Declaration of Texas Independence and the 130th anniversary of the birth of General Sam Houston, the Declaration of Independence be read before the House by the Reading Clerk.

Signed—Rountree, Bobbitt, Abney, Price, Quaid, Jones, Burmeister, Edwards, Gipson, Martin, Lamb, Merri-man, Cowen, Baker of Milam, Henderson of Marion, Blount, Covey, Bell.

The resolution was read second time and was adopted.

RELATING TO BLUE RIDGE FARM.

Mr. Wallace offered the following resolution:

H. C. R. No. 21, Relating to Blue Ridge Farm.

Whereas, The large barn and certain other improvements belonging to and used by the State of Texas in connection with and in the operation of what is commonly known as the Blue Ridge Farm, situated in Fort Bend county, Texas, composed of certain lands conveyed to the Board of Prison Commissioners by Bassett Blakely by deed dated December 14, 1920, and filed for record in Fort Bend county, Texas, on December 9, 1921, are situated upon the east one-

half of lot one (1) in block D of a subdivision of the Edward Drew Survey situated in Fort Bend county, Texas, being survey No. 2 by virtue of unconditional head right certificate No. 89 patented to the heirs of Edward Drew by patent No. 479, Volume 43, recorded in Book Q at page 253 of the deed records of Fort Bend county, Texas, as shown by the plat of said subdivision filed for record July 30, 1901, and now of record in Book 22 at page 35 of the deed records of Fort Bend County, Texas, which said east one-half of lot one (1) in said block D has never been acquired by and does not belong to the State of Texas, but belongs to and is the property of the Hermann Hospital estate, said Hermann Hospital estate being a trust created by and now being administered by trustees under the will of George H. Hermann, deceased, probated in Harris county, Texas, which said improvements were so made upon said tract of land prior to the purchase of said Blue Ridge Farm by the State; and

Whereas, In the purchase of said Blue Ridge Farm the State acquired and is now the owner of all that certain piece, parcel or tract of six (6) acres of land, more or less, excepting the oil, gas and other minerals therein or thereon, which said oil, gas and other minerals have not been acquired by and are not the property of the State of Texas, composed of parts of lots 1 and 2, in block "C" of a subdivision of the Edward Drew survey situated in Fort Bend county, Texas, being survey No. 2 by virtue of head right certificate No. 89 patented to the heirs of Edward Drew by patent No. 479, Volume 43, recorded in Volume Q, at page 253 of the deed records of Fort Bend county, Texas, as shown by a plat of said subdivision filed for record July 30, 1901, and now of record in Volume 22 at page 35 of the deed records of Fort Bend county, Texas, said tract of land being more particularly described by metes and bounds as follows:

Beginning at the southeast corner of lot one (1) in block "C" of said subdivision of said Edward Drew Survey, being also the southeast corner of said block "C" of said subdivision on the south boundary line of said Edward Drew Survey; thence north with the east line of said lots one (1) and two (2) 551 feet, the center of a road as now located running east and west through said lot two (2), for the northeast corner of this tract; thence west

with the center of said road as now located 466 1-2 feet to an intersection with the east boundary line of a tract of sixty acres of land reserved by Edward Blakely for a townsite out of the southwest corner of said Edward Drew Survey in the deed executed by him conveying to the Board of Prison Commissioners certain portions of said Edward Drew Survey, with other lands, dated December 14, 1920, and filed for record in Fort Bend county, Texas, on December 9, 1921, for the northwest corner of this tract; thence south with said east line of said townsite tract of sixty acres 551 feet, its southeast corner on the south boundary line of said Edward Drew Survey, for the southwest corner of this tract; thence east with the south boundary line of said block "C" and said lot one (1), being also the south boundary line of said Edward Drew Survey, 466 1-2 feet, the place of beginning; and

Whereas, It has been mutually agreed between the Board of Prison Commissioners of the State of Texas and said Hermann Hospital estate, the latter acting by and through its duly selected, qualified and acting trustees, to make an exchange of ownership between them of said two tracts of land and to execute mutual deeds of conveyance effecting said exchange; and

Whereas, Said exchange of ownership will be mutually advantageous both to said Hermann Hospital estate and the State of Texas, particularly the latter; therefore, be it

Resolved by the Legislature of the State of Texas, That such exchange of ownership of said two tracts of land be and same is hereby authorized and approved, and that to effect such exchange the Board of Prison Commissioners is authorized to acquire by proper conveyance, in trust for the State of Texas, after approval of the title to same by the Attorney General of Texas, the title to said former tract of land herein mentioned, excepting the oil, gas and other mineral that may be in, upon or under same, and in consideration therefor said Board of Prison Commissioners is authorized to convey to said Hermann Hospital estate said latter tract of land herein mentioned, excepting the oil, gas and other minerals that may be in, upon or under said latter tract of land, and such rights and privileges pertaining thereto with respect to said latter tract of land as were reserved to and in Bassett Blakely by his said deed of conveyance conveying said latter

tract of land, with other lands, to the Board of Prison Commissioners, in trust for the use and benefit of the State of Texas.

Signed—Wallace, Teer.

The resolution was read second time and was adopted.

RELATING TO CONSERVING WATERS OF THE RIO GRANDE.

Mr. Rountree offered the following resolution:

H. C. R. No. 22, Relating to conserving waters of the Rio Grande river.

Whereas, There is a large area of land in what is known as the Lower Rio Grande Valley which is subject to irrigation and in which American citizens have invested approximately two hundred million dollars in irrigation enterprises in the purchase and improvement of farms and homes, the building of cities and towns, and public improvements; that the water for irrigation under present conditions is derived from pumping the normal flow of the river into the canals; that the normal flow is subject to very great variation, swelling at times to proportions of disastrous floods which overflow large portions of the valley, causing great destruction of property and growing crops and sometimes producing changes in the course of the stream, while at other times it dwindles to such small proportions as to barely furnish sufficient water to meet the requirements of lands already under cultivation; that the only way to prevent these disasters with consequent changes in the stream and of increasing the water supply is to provide large storage reservoirs on the river and its tributaries, and such other structures as will impound the excess waters or discharge them harmlessly to the sea; and

Whereas, The Rio Grande being an international stream, any changes in its course results in confusion of the boundary and raises perplexing problems of an international character; and that furthermore, the citizens of Mexico have indisputable but at present undetermined rights, and that the use of the water by private individuals without the sanction of a treaty or without any well defined plan for the equitable division of the water and for its appropriation and use is certain to lead to disputes between citizens of the two countries over the right to the use of said water; and

Whereas, It is highly desirable that all available data be secured in order to provide the necessary information for formulating a comprehensive plan for the control of the Rio Grande from Fort Quitman to the Gulf and to provide a basis for the equitable division of the water between the citizens of the two countries and thus enable them to develop their respective resources to the best possible advantage and without danger of conflict of interest; and to provide those measures which result in stabilizing the international boundary through the control of floods; and

Whereas, The Rio Grande is an international boundary stream and as such is subject to the exclusive control and jurisdiction of our Federal Government and by virtue of the International Boundary Treaty between the United States and Mexico no changes or alteration in said river, its channel or its banks can be made except with the approval and under the control of the International Boundary Commission; now therefore, be it

Resolved by the House of Representatives of Texas, the Senate concurring, That the Senators from the State of Texas, in the Senate of the United States, be instructed, and the Representatives of the State of Texas, in the House of Representatives of the United States, be requested, to take such action in Congress and to use their best efforts to secure such action on behalf of the Executive Department of the United States as may be necessary at the earliest practical date to secure surveys and plans to control the flood and other waters of the Rio Grande and its tributaries from Fort Quitman to its mouth, and to provide a basis for the equitable division of said waters between the citizens of the United States of America and the citizens of the Republic of Mexico as may be necessary to effect that purpose, and to urge upon the Congress of the United States adequate appropriations to carry out such plan; and be it further

Resolved, That a copy of this concurrent resolution be forwarded to each of the Senators and Representatives of the State of Texas and the Congress of the United States.

Signed—Rountree, Montgomery, Dunlap, Lewis, Dinkle.

The resolution was read second time.

On motion of Mr. Rountree, further consideration of the resolution was postponed until next Monday.

RELATING TO RELOCATING THE PENITENTIARY.

The following report was ordered printed in the Journal:

Austin, Texas, February 23, 1923. .
To the members of the Senate and House of the Thirty-eighth Legislature:

The Thirty-seventh Legislature, in Chapter 57 of the General Laws of the First Called Session thereof, provided that the Governor, the Land Commissioner, and the Attorney General should constitute the Texas Penitentiary Relocating Commission for the purpose of relocating the penitentiary at a point within seventy-five miles of the City of Austin.

We, the commission therein constituted, beg leave to report the result of our work as follows:

We, the commission, first visited the Penitentiary Headquarters and all of the farms and lands owned, except the Bowie county farm and the land in Cherokee county, for the purpose of getting in mind the requirements of the system. We then visited and inspected a number of proposed sites that were pointed out by citizens as suitable places at which to re-establish the penitentiary system within seventy-five miles of the City of Austin.

The full committee did not find any site within the prescribed area that in its judgment met the requirements of the Penitentiary System that would justify entering into contracts authorized by the act creating the commission, especially under the restrictions imposed upon the committee under said act. Since no suitable site was found, it was deemed inadvisable to enter into contracts for the disposal of the properties belonging to the Penitentiary System.

In this connection, however, it is proper here to report that our member, the Land Commissioner, visited the area on both sides of the Guadalupe river, located in Comal and Guadalupe counties, and reported to the committee that in his judgment a suitable site as set forth in the law creating the commission could be found there, and attaches his reasons therefor.

Respectfully,
PAT M. NEFF,
Governor.
J. T. ROBISON,
Land Commissioner.
W. A. KEELING,
Attorney General.

The Site Selected by the Land Commissioner, and Reasons Therefor.

The seventy-five mile radius around Austin includes an area about as follows:

All of Travis, Williamson, Lee, Fayette, Bastrop, Caldwell, Guadalupe, Comal, Hays, Blanco, Burnet, Bell except probably a small bit of the two most northern corners, a bit of the south corner of McLennan, south of Moody, south or southeast corner of Falls, west part of Milam from a point east of Gause, west half of Burleson, west end of Washington, west corner of Austin county, west side of Colorado, west part of Lavaca, north corner of DeWitt, Gonzales except south corner, north part of Wilson, east half of Bexar probably to San Antonio, Kendall except southwest corner, northeast corner of Kerr, east half of Gillespie, east three-fourths of Llano, southeast corner of San Saba, south three-eighths of Lampasas, south third of Coryell.

That radius will be based upon a straight measure according to scale of the map and will, for practical purposes, include the following portions of the railroads named, to-wit:

M. K. & T. Ry. from just north of Troy in Bell county to San Antonio, Bexar county, and to about Pisek in Colorado county.

I. & G. N. Ry. from east of Gause in Milam county to San Antonio.

The G. C. & S. F. Ry. from south of Moody in McLennan county and east of Lometa in Lampasas county to near but west of Lyons in Burleson county.

H. & T. C. Ry. from east of Burton in Washington county to west of Llano in Llano county.

S. A. & A. P. Ry. from north of Rosebud in Falls county to near Yoakum in Lavaca county and from San Antonio to west of Comfort in Kendall county.

S. P. Ry. from Nixon in Gonzales county to San Antonio in Bexar county.

I have been drawn to the conclusion that a complete or ideal penal institution should carry farm and factory side by side to the end that all inmates could have their special adaptations directed in the most profitable employment. Also, to the end that maximum production could be achieved with minimum expenditure, water power should be available for factory and fertile land capable of being cultivated with the least labor should be acquired, and if they could be found together that would be the near-

est to the ideal. From maps of the General Land Office one can determine something of the quality of the land in a given locality. Knowing something of the area limiting our privilege of selection, and studying the Land Office land maps, my attention was drawn to the area along the Guadalupe river south of New Braunfels and along the San Marcos river south of San Marcos, and along the Colorado river south of Austin as far as Webberville. This last tract was pointed out by Mr. J. B. Manor, who owns some 3000 acres near Webberville.

This last area presents some splendid features and is perhaps second only to the Guadalupe area.

I inspected the San Marcos and the Guadalupe areas upon my own initiative.

Reaching New Braunfels, I informed Mr. Blumberg, president of the State Bank, as to my purpose and solicited his co-operation in finding a citizen who knew the country to accompany me. Messrs. Herman Zipp and Richard Kohlenberg favored me with their assistance.

Both sides of the Guadalupe river were inspected from the I. & G. N. Ry. bridge at New Braunfels down to the Southern Pacific Ry. near Seguin in Guadalupe county, dipping into the river at intervals on both sides.

This area has on the west the New Braunfels and Seguin public road; on the north the I. & G. N. and M. K. & T. Rys.; on the south the S. P. Ry.; on the east several miles of as fertile soil from chocolate to black waxy as can be found in our State.

The Guadalupe river traverses this area practically north and south. From the I. & G. N. Ry crossing at New Braunfels to the S. P. Ry. crossing above Seguin on a straight line is about ten miles. The public road on the west side of the river approaches it from a few hundred yards to a mile. While the soil is very fertile there are at intervals near the river small elevated areas of yellowish clay and gravel that seem to have been placed there for building sites. In this area may be found some 50,000 acres of first-class soil, and within that area there is less waste land and more well improved farm homes than in any similar area within my knowledge in the State. That is indicative of the productivity of the soil and the industrious and economical owners.

The Guadalupe is a stream of clear water. It is perhaps more constant in

its flow than any other stream in the State unless possibly Devil's river. Water power sufficient to run all factories needed in a penal institution can be developed with small expense.

The quality of being easily tilled is so inherent in the soil of this area that one can cultivate twice as much acreage as can now be tilled on the present prison farm. If the State owned this area it could work half the prisoners in factories and the others could cultivate as much land as is now cultivated by all of them. Within a few hundred yards of the area outlined herein are large quantities of stone, limestone and other material for making lime, cement and road building material.

If the State moves the penitentiary it should be relocated on the Guadalupe river and within the area designated herein.

While the selection of a site within seventy-five miles of Austin is the extent to which I think the board is authorized to act, yet, I will suggest if the Legislature does not deem it wise to move and relocate the system, it should by all means sell some of the farms and concentrate at some others. One of the two seem to be imperative if the public is to be relieved of the present taxes that are from time to time appropriated out of the Treasury to cover its operating losses.

However, if I were permitted to indulge in an opinion in the nature of a long distance forecast it would be that the Legislature could give away (but I do not mean it should do so) the present prison property, acquire some 40,000 to 50,000 acres within the outlined Guadalupe area, construct a proper prison plant and in ten years the prison system would be out of debt and begin to turn revenue into the State's Treasury.

Yours very truly,

J. T. ROBISON,

Commissioner, General Land Office.

HOUSE BILL NO. 63 WITH SENATE AMENDMENTS.

Mr. Merriman called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 63, A bill to be entitled "An Act to establish and create a court to be known as the 'Corporation Court in Port Arthur, Texas,' and to prescribe its organization, jurisdiction and

procedure of other courts thereto, repeal all laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

Mr. Merriman moved that the House concur in the Senate amendments.

The Clerk was directed to call the roll and the House concurred by the following vote:

Yeas—102.

Mr. Speaker.	Lamb.
Abney.	Lane.
Amsler.	LeMaster.
Arnold.	LeStourgeon.
Barrett.	McBride.
Beasley.	McDonald.
Bell.	McFarlane.
Bird.	McKean.
Blount.	McNatt.
Bonham.	Martin.
Brady.	Mathes.
Bryant.	Melson.
Burmeister.	Merriman.
Carpenter	Merritt.
of Matagorda.	Miller.
Carson.	Montgomery.
Carter of Coke.	Moore.
Chitwood.	Morgan
Coffee.	of Liberty.
Collins.	Patman.
Covey.	Perdue.
Cowen.	Pinkston.
Crawford.	Pool.
Culp.	Potter.
Davis.	Price.
DeBerry.	Purl.
Dinkle.	Quaid.
Dodd.	Quinn.
Downs.	Robinson.
Driggers.	Rountree.
Duffey.	Rowland.
Dunlap.	Russell of Trinity.
Dunn.	Sackett.
Edwards.	Sanford.
Fields.	Simpson.
Finlay.	Stell.
Frnka.	Stewart
Fugler.	of Edwards.
Gipson.	Stewart of Jasper.
Greer.	Stewart of Reeves.
Harrington.	Stroder.
Henderson	Sweet.
of Marion.	Thrasher.
Henderson	Turner.
of McLennan.	Vaughan.
Hendricks.	Wallace.
Howeth.	Wells.
Irwin.	Westbrook.
Jacks.	Wessels.
Jones.	Williamson.
Kemble.	Wilmons.
Lackey.	Winfree.
Laird.	Young.

Nays—6.

Atkinson.	Looney.
Barker.	McDaniel.
Cable.	Maxwell.

Present—Not Voting.

Avis.	Loftin.
Harris.	Storey.
Jennings.	

Absent.

Baker of Orange.	Rice.
Baldwin.	Rogers.
Faubion.	Satterwhite.
Hull.	Shires.
Johnson.	Smith.
Lewis.	Teer.
Pate.	

Absent—Excused.

Baker of Milam.	Lusk.
Bobbitt.	Morgan
Carpenter	of Robertson.
of Dallas.	Patterson.
Carter of Hays.	Pope.
Davenport.	Russell
Dielmann.	of Callahan.
Durham.	Shearer.
Green.	Sparkman.
Hardin of Erath.	Stevens.
Hardin	Stiernberg.
of Kaufman.	Strickland.
Houston.	Thompson.
Hughes.	Wilson.

Mr. Merriman moved to reconsider the vote by which the House concurred in the Senate amendments and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 52 ON FINAL PASSAGE.

On motion of Mr. LeStourgeon, the regular order of business was suspended to take up for consideration at this time,

S. B. No. 52, A bill to be entitled "An Act to regulate the business of banking in this State when conducted by concerns operating under charters obtained in Texas prior to the adoption of the Constitution in 1876, and placing them under the provisions of Chapters 1 to 6, inclusive, Title 14 of Vernon Sayles' Revised Statutes of Texas; declaring that from and after the passage of this act it shall be unlawful thereafter for any person, association of persons, partnership or trustee or trustees acting under any common law declaration of trust to organize or establish or

begin the operation of any private banking institution or private banking business within this State, preserving the rights of those who at the time this act becomes effective and have been for five years next preceding said date actively engaged in the banking business within this State; making it unlawful to advertise, use or put forth any sign as a bank, trust company, bank and trust company or savings bank, or to in any way solicit or receive business as such, or to use as their name or part of their name on any sign, advertising or letter-head or envelope, the word bank, banker, banking, banking company, trust, trust company, bank and trust company, savings bank, savings or any other term which may or might be confused with the name of a corporation organized under the general provisions of the banking laws of this State; making it unlawful to use any other than the name of the person or one or more of the persons or the member or one or more members of said association of persons, or partnerships or the members of one or more of the members of any institution operating under a common law declaration of trust in the management, conduct or operation of same; providing, however, that the provisions of this act shall not apply to any person, association of persons, partnerships, trustee or trustees acting under any common law declaration of trust who are, at the time this act becomes effective and have been for five years next preceding said date, actively engaged in the banking business within this State; making it unlawful to use or employ any part of the funds of the depositors in any such institution in any speculative adventure or enterprise owned or promoted by said bank or institution or the person or persons owning same or officers or managers thereof; requiring the filing with the Commissioner of Insurance and Banking annually an affidavit showing solvency of such bank or institution, and the filing for record with the county clerk of the county in which the principal business of such institution is done of a statement in writing under oath, giving the names of each and all parties or persons interested in said institution; making it unlawful to receive or assent to the reception of any deposits of money or other valuable thing, and making the failure of said bank or institution prima facie evidence of the insolvency of same at the time of the receipt of such deposit or deposits;

making it unlawful to publish or advertise in any newspaper that said bank or institution owns, possesses or has a financial responsibility in excess of the real and true financial responsibility of such person, association of persons, partnership or institution, and defining the terms 'financial responsibility'; making it unlawful for a newspaper to publish any such statement as herein used; fixing penalties; declaring this act to be in addition to and supplementary to all the present banking laws of this State, and declaring an emergency."

The bill having been recalled from the Governor for further consideration.

The Speaker laid the bill before the House.

Mr. LeSturgeon moved to reconsider the vote by which the bill was finally passed.

The motion to reconsider prevailed.

Mr. LeSturgeon offered the following amendments to the bill:

Amend Senate bill No. 52 by striking out the words "three years" wherever they appear in the bill, and insert in lieu thereof the words "two years."

Amend the bill on page 4, Section 4 of the House printed bill, by striking out the words "free from encumbrance and subject to execution."

Amend the bill on page 4, line 35 of the House printed bill, by inserting the word "State," "the value of which is."

Amend the bill by striking out, on page 6, line 23, all after the word "State" down to and including the word "Texas," in line 24.

Amend Section 1, page 3, by adding after the words "this State," in line 14 of the House printed bill, the words "or to resume such operations, except as provided in this act."

Amend Section 2, by inserting after the words "savings bank within this State," page 4, line 1 of the House printed bill, the words "nor to any bank which may have been in successful operation in this State for twenty years and shall have suspended operation prior to the passage of this act, but which shall resume operation within twelve months after the passage of this act."

Amend Section 2 by inserting after the word "effective," page 4, lines 4 and 5 of the House printed bill, the words "or shall resume business as provided in this act."

Amend the caption by striking out the words "three years" wherever they

may appear in the bill, and insert in lieu thereof the words "two years."

Amend the caption by inserting after the words "this State," in line 14, page 2 of the House printed bill, the words "or who shall resume such business as provided in this act."

Question—Shall the amendments be adopted?

On motion of Mr. Burmeister, further consideration of the bill was postponed until 10 o'clock a. m. next Monday.

HOUSE BILL NO. 83 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 83. A bill to be entitled "An Act to amend Section 14 of an act of the Thirty-third Legislature of the State of Texas, approved April 2, 1913, known as Chapter 106 of the Laws of the Thirty-third Legislature, Regular Session, found in the printed laws on page 195, at page 201, so as to authorize the State Insurance Commission to give credit for a good fire record made by any city, town, village or locality, and also authorize the said State Insurance Commission to provide a penalty for a bad fire record made by any city, town, village or locality; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read third time and failed to pass by the following vote:

Yeas—51.

Amsler.	Martin.
Arnold.	Melson.
Baker of Orange.	Merriman.
Beasley.	Montgomery.
Bird.	Perdue.
Blount.	Pool.
Brady.	Potter.
Bryant.	Price.
Burmeister.	Purl.
Carson.	Quinn.
Carter of Coke.	Rice.
Collins.	Robinson.
Covey.	Rowland.
Cowen.	Sackett.
Dinkle.	Satterwhite.
Fugler.	Shires.
Gipson.	Simpson.
Irwin.	Smith.
Jacks.	Stell.
Kemble.	Stewart of Reeves.
Lackey.	Stroder.
LeMaster.	Thrasher.
LeStourgeon.	Turner.
Lewis.	Williamson.
McKean.	Winfree.
McNatt.	

Nays—55.

Abney.	Laird.
Atkinson.	Lamb.
Avis.	Lane.
Barker.	Loftin.
Barrett.	Looney.
Bell.	McDaniel.
Bonham.	McDonald.
Cable.	McFarlane.
Carpenter	Mathes.
of Matagorda.	Maxwell.
Chitwood.	Merritt.
Crawford.	Miller.
Davis.	Moore.
DeBerry.	Morgan
Dodd.	of Liberty.
Downs.	Pate.
Driggers.	Patman.
Duffey.	Pinkston.
Dunn.	Rountree.
Edwards.	Russell of Trinity.
Fields.	Sanford.
Finlay.	Stewart
Frnka.	of Edwards.
Harris.	Stewart of Jasper.
Henderson	Sweet.
of Marion.	Vaughan.
Henderson	Wallace.
of McLennan.	Wells.
Howeth.	Westbrook.
Jennings.	Young.
Jones.	

Present—Not Voting.

Faubion.	McBride.
Harrington.	Wilmans.

Absent.

Baldwin.	Hendricks.
Coffee.	Johnson.
Culp.	Quaid.
Davenport.	Storey.
Dunlap.	Teer.
Greer.	Wessels.

Absent—Excused.

Baker of Milam.	Morgan
Bobbitt.	of Robertson.
Carpenter	Patterson.
of Dallas.	Pope.
Carter of Hays.	Rogers.
Dielmann.	Russell.
Durham.	of Callahan.
Green.	Shearer.
Hardin of Erath.	Sparkman.
Hardin	Stevens.
of Kaufman.	Stiernberg.
Houston.	Strickland.
Hughes.	Thompson.
Hull.	Wilson.
Lusk.	

HOUSE BILL NO. 289 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 289, A bill to be entitled "An Act to amend Article 3793, Chapter 1, Title 56, of the Revised Civil Statutes of 1911 of the State of Texas, relating to the exemption of personal property from forced sale, and declaring an emergency."

The bill was read third time.

Mr. McFarlane offered the following amendment to the bill:

Amending House bill No. 289, page 1, line 32, by inserting after the word "legislation" the following word, "creates."

The amendment was adopted.

House bill No. 289 was then finally passed by the following vote:

Yeas—52.

Amsler.	Lane.
Arnold.	LeSturgeon.
Avis.	Loftin.
Barker.	McBride.
Bell.	McDaniel.
Bonham.	McDonald.
Brady.	McFarlane.
Cable.	McNatt.
Carpenter	Martin.
of Matagorda.	Maxwell.
Carter of Coke.	Morgan
Coffee.	of Liberty.
Covey.	Pate.
Dinkle.	Pool.
Driggers	Purl.
Duffey.	Quinn.
Dunn.	Rice.
Edwards.	Rowland.
Finlay.	Sackett.
Gipson.	Satterwhite.
Greer.	Shires.
Harrington.	Stell.
Hendricks.	Stewart of Reeves.
Howeth.	Storey.
Irwin.	Stroder.
Jacks.	Sweet.
Laird.	Thrasher.

Nays—50.

Atkinson.	Davis.
Baldwin.	DeBerry.
Barrett.	Downs.
Beasley.	Faubion.
Bird.	Fields.
Bryant.	Frnka.
Burmeister.	Henderson
Carson.	of Marion.
Cowen.	Henderson
Crawford.	of McLennan.
Culp.	Jennings.

Jones.	Robinson.
Kemble.	Russell of Trinity.
Lamb.	Sanford.
LeMaster.	Simpson.
Looney.	Smith.
McKean.	Stewart
Mathes.	of Edwards.
Melson.	Stewart of Jasper.
Merriman.	Turner.
Merritt.	Vaughan.
Moore.	Wallace.
Patman.	Westbrook.
Perdue.	Williamson.
Pinkston.	Winfree.
Potter.	Young.
Quaid.	

Present—Not Voting.

Chitwood.	Harris.
Dunlap.	

Absent.

Abney.	Lackey.
Baker of Orange.	Lewis.
Blount.	Miller.
Collins.	Montgomery.
Dodd.	Price.
Fugler.	Rountree.
Hardin	Teer.
of Kaufman.	Wells.
Hughes.	Wessels.
Hull.	Wilmans.
Johnson.	Wilson.

Absent—Excused.

Baker of Milam.	Patterson.
Bobbitt.	Pope.
Carpenter	Rogers.
of Dallas.	Russell.
Carter of Hays.	of Callahan.
Davenport.	Shearer.
Dielmann.	Sparkman.
Durham.	Stevens.
Green.	Stiernberg.
Hardin of Erath.	Strickland.
Houston.	Thompson.
Lusk.	
Morgan	
of Robertson.	

Mr. McFarlane moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—60.

Amsler.	Bonham.
Arnold.	Brady.
Atkinson.	Carpenter
Avis.	of Matagorda.
Baker of Orange.	Carson.
Barker.	Carter of Coke.
Bell.	Covey.

Cowen.	Martin.
Dielmann.	Merriman.
Dinkle.	Merritt.
Driggers.	Moore.
Duffey.	Morgan
Dunn.	of Robertson.
Edwards.	Pate.
Faubion.	Pool.
Finlay.	Price.
Gipson.	Purl.
Greer.	Quinn.
Harrington.	Rice.
Henderson	Rowland.
of Marion.	Sackett.
Howeth.	Satterwhite.
Lackey.	Shires.
Laird.	Stell.
Lane.	Stewart of Reeves.
Loftin.	Storey.
Looney.	Stroder.
McBride.	Sweet.
McDaniel.	Thrasher.
McDonald.	Turner.
McFarlane.	Wilmons.
McNatt.	Young.

Nays—40.

Mr. Speaker.	Lamb.
Baldwin.	LeMaster.
Barrett.	LeSturgeon.
Beasley.	McKean.
Bird.	Melson.
Bryant.	Patman.
Burmeister.	Perdue.
Chitwood.	Pinkston.
Coffee.	Potter.
Crawford.	Quaid.
Culp.	Russell of Trinity.
DeBerry.	Sanford.
Downs.	Simpson.
Frnka.	Smith.
Henderson	Stewart
of McLennan.	of Edwards.
Hendricks.	Stewart of Jasper.
Irwin.	Vaughan.
Jennings.	Wallace.
Jones.	Westbrook.
Kemble.	Williamson.

Present—Not Voting.

Blount.	Davis.
Cable.	Dunlap.

Absent.

Abney.	Mathes.
Collins.	Maxwell.
Dodd.	Miller.
Fields.	Montgomery.
Fugler.	Robinson.
Harris.	Rounree.
Hull.	Teer.
Jacks.	Wells.
Johnson.	Wessels.
Lewis.	Winfree.

Absent—Excused.

Baker of Milam.	Morgan
Bobbitt.	of Liberty.
Carpenter	Patterson.
of Dallas.	Pope.
Carter of Hays.	Rogers.
Davenport.	Russell
Durham.	of Callahan.
Green.	Shearer.
Hardin of Erath,	Sparkman.
Hardin	Stevens.
of Kaufman.	Stiernberg.
Houston.	Strickland.
Hughes.	Thompson.
Lusk.	Wilson.

RECESS.

On motion of Mr. Westbrook, the House at 12 o'clock m. took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

RELATING TO HOUSE BILL NO. 83.

Mr. McFarlane moved to reconsider the vote by which House bill No. 83 failed to pass and asked to have the motion to reconsider spread on the Journal.

MESSAGE FROM THE GOVERNOR.

Mr. R. M. Walthall, Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Governor's Office,

Austin, Texas, February 24, 1923.

To the Senate and House of Representatives of the Thirty-eighth Legislature:

This is to advise you that the Penitentiary System of Texas is now, and has been for some months, running on a deficiency and that it will have no income until the cotton crop is gathered during the fall of this year. It is necessary that this institution be placed on a financial basis where the necessary supplies can be had without being forced to buy them on credit and thereby pay the increased price necessary for such purchases.

The penitentiary has at this time on hand in cash about \$70,000, with bills payable, which have accumulated during the past few months, amounting to approximately \$300,000. It takes about

\$85,000 or more per month for the necessary expenses in running the penitentiary. In other words, it costs this amount of money each month to guard, to clothe, to feed and to pay the actual expenses in the bringing of new convicts to the penitentiary and in discharging the old convicts as their terms expire. These expenses must be met each month.

On this basis as to the financial condition of the penitentiary at this time it can be clearly seen that it will take about \$900,000 for the necessary expenses in running the penitentiary until our cotton crop begins to move, which will be in the month of September of this year. The financing of the penitentiary is an emergency matter that should, in my opinion, be arranged during this Regular Session of the Legislature, and I recommend that the Legislature do, at the earliest date possible, whatever it thinks wise, looking to the placing of the Penitentiary System on an operating financial basis from now until crop gathering time in September this year.

Respectfully,
PAT M. NEFF,
Governor.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Mathes (by request):

H. B. No. 644, A bill to be entitled "An Act correcting the boundaries of the present Hale Center Independent School District; providing for payment of bonds issued by the present district, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Smith:

H. B. No. 645, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State and authorizing payment of said miscellaneous items on the taking effect of this act, and declaring an emergency."

Referred to Committee on Claims and Accounts.

By Mr. Miller:

H. B. No. 646, A bill to be entitled "An Act to compensate L. L. Tackitt, D. A. Miller and George W. Tackitt for services rendered as State rangers."

Referred to Committee on State Affairs.

HOUSE JOINT RESOLUTION ON FIRST READING.

The following House joint resolution, introduced today, was laid before the House, read first time, and referred to the Committee on Constitutional Amendments:

By Mr. Satterwhite:

H. J. R. No. 26, Proposing an amendment to the Constitution so as to provide for uniformity and equalization in taxable values for State purposes through a central State board.

HOUSE BILL NO. 361 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 361, A bill to be entitled "An Act to amend Section 16 of Chapter 190 of the General Laws of the Regular Session of the Thirty-fifth Legislature, as amended by Section 2 of Chapter 71 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, as amended by Section —, Chapter 113, of the General Laws of the Regular Session of the Thirty-sixth Legislature, as amended by Chapter 131 of the General Laws of the Regular Session of the Thirty-seventh Legislature, as amended by Chapter 52 of the General Laws of the First Called Session of the Thirty-seventh Legislature, providing for and increasing the annual license fees on motor vehicles; providing for applications for registration; providing for annual license fees for trailers and semi-trailers and tractors; providing penalties for failure to comply with the provisions of this act; providing certain described vehicles shall not be licensed or operated on public roads; providing for exceptions and special permits; amending Section 3 of Chapter 73 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, as amended by Section 4, Chapter 113, of the General Laws of the Regular Session of the Thirty-sixth Legislature relating to disposition of fees collected hereunder; providing for maintenance by the State and declaring increased fees primarily a trust fund for such maintenance; providing that in event any section or provision of this act shall be held unconstitutional, the

same shall not affect any other section or provision, and repealing all laws in conflict with this act.' "

The bill was read third time and was passed by the following vote:

Yeas—62.

Mr. Speaker.	Kemble.
Amsler.	Lackey.
Barrett.	Lamb.
Beasley.	Lane.
Bell.	LeSturgeon.
Blount.	Lewis.
Bonham.	McBride.
Brady.	McDaniel.
Burmeister.	McDonald.
Carpenter	McNatt.
of Matagorda.	Martin.
Carter of Coke.	Melson.
Chitwood.	Moore.
Collins.	Patman.
Culp.	Perdue.
Dinkle.	Potter.
Dodd.	Price.
Driggers.	Quaid.
Duffey.	Rice.
Dunlap.	Rountree.
Dunn.	Sackett.
Edwards.	Sanford.
Fields.	Satterwhite.
Frnka.	Shires.
Fugler.	Simpson.
Gipson.	Smith.
Greer.	Stewart of Reeves.
Harrington.	Storey.
Harris.	Stroder.
Henderson	Vaughan.
of Marion.	Wells.
Howeth.	Williamson.
Irwin.	Wilmons.
Jones.	Winfree.

Nays—43.

Abney.	Loftin.
Arnold.	Looney.
Atkinson.	McFarlane.
Avis.	Mathes.
Baker of Orange.	Maxwell.
Baldwin.	Merritt.
Barker.	Miller.
Bird.	Morgan
Bryant.	of Liberty.
Cable.	Purl.
Carson.	Quinn.
Covey.	Rowland.
Cowen.	Stell.
Davis.	Stewart
DeBerry.	of Edwards.
Downs.	Stewart of Jasper.
Faubion.	Sweet.
Finlay.	Turner.
Jacks.	Westbrook.
Jennings.	Young.
LeMaster.	

Present—Not Voting.

Hardin
of Kaufman.

Absent.

Bobbitt.	Merriman.
Carpenter	Montgomery.
of Dallas.	Pate.
Coffee.	Pinkston.
Crawford.	Pool.
Henderson	Robinson.
of McLennan.	Russell of Trinity.
Hendricks.	Strickland.
Hughes.	Teer.
Hull.	Thrasher.
Johnson.	Wallace.
Laird.	Wessels.
McKean.	Wilson.

Absent—Excused.

Baker of Milam.	Patterson.
Carter of Hays.	Pope.
Davenport.	Rogers.
Dielmann.	Russell
Durham.	of Callahan.
Green.	Shearer.
Hardin of Erath.	Sparkman.
Houston.	Stevens.
Lusk.	Stiernberg.
Morgan	Thompson.
of Robertson.	

Reason for Vote.

I vote "aye" with the understanding that the Senate will take out the Jacks amendment and otherwise change the bill.

PATMAN.

Mr. Burmeister moved to reconsider the vote by which the bill was passed and to table the motion to reconsider. The motion to table prevailed.

BILL RE-REFERRED.

On motion of Mr. Dodd, Senate bill No. 152 was withdrawn from the Committee on Judicial Districts and referred to the Judiciary Committee.

HOUSE BILL NO. 487 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, H. B. No. 487, A bill to be entitled "An Act defining and regulating the practice of chiropody in the State of Texas; providing for the examination and registration of persons desiring to practice chiropody and the issuance of license therefor; providing for the

creation of the State Board of Chiropody Examiners; prescribing fees that may be charged for registration; making it unlawful for any person not licensed under the law of this act to practice chiropody; providing for the registration of persons who have been engaged in the practice of chiropody in other States; for the revocation of licenses granted by the State Board of Chiropody Examiners for the State of Texas; prescribing fees to be charged by the State Board of Chiropody Examiners; defining offenses and prescribing penalties therefor, and declaring an emergency."

The bill was read third time and was passed.

Mr. Brady moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 399 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, H. B. No. 399, A bill to be entitled "An Act to amend Article 1585 of Chapter 2, Title 32 of the Revised Civil Statutes of Texas of 1911, fixing the terms of Courts of Civil Appeals."

The bill was read third time and was passed by the following vote:

Yeas—100.

Mr. Speaker.	Davis.
Abney.	DeBerry.
Amsler.	Dinkle.
Arnold.	Dodd.
Atkinson.	Downs.
Avis.	Driggers.
Baker of Orange.	Duffey.
Baldwin.	Dunlap.
Barker.	Dunn.
Barrett.	Edwards.
Beasley.	Faubion.
Bell.	Fields.
Bird.	Finlay.
Blount.	Frnka.
Bonham.	Fugler.
Brady.	Gipson.
Bryant.	Greer.
Cable.	Harrington.
Carpenter	Harris.
of Matagorda.	Henderson
Carson.	of Marion.
Carter of Coke.	Hendricks.
Chitwood.	Howeth.
Coffee.	Jacks.
Collins.	Jennings.
Cowen.	Jones.
Crawford.	Kemble.

Lackey.	Rice.
Lamb.	Rountree.
Lane.	Rowland.
LeSturgeon.	Sackett.
Lewis.	Sanford.
Looney.	Satterwhite.
McBride.	Shires.
McDaniel.	Simpson.
McFarlane.	Smith.
McNatt.	Stell.
Martin.	Stewar
Mathes.	of Edwards.
Maxwell.	Stewart of Jasper.
Melson.	Stewart of Reeves.
Merritt.	Storey.
Miller.	Stroder.
Montgomery.	Sweet.
Morgan	Turner.
of Liberty.	Vaughan.
Patman.	Wallace.
Perdue.	Wells.
Potter.	Westbrook.
Price.	Wilmans.
Purl.	Winfree.
Quinn.	Young.

Present—Not Voting.

Burmeister.	Williamson.
Irwin.	

Absent.

Covey.	McKean.
Culp.	Merriman.
Hardin	Moore.
of Kaufman.	Pate.
Henderson	Pinkston.
of McLennan.	Pool.
Hughes.	Quaid.
Hull.	Robinson.
Johnson.	Russell of Trinity.
Laird.	Teer.
LeMaster.	Thrasher.
Loftin.	Wessels.
McDonald.	Wilson.

Absent—Excused.

Baker of Milam.	Patterson.
Bobbitt.	Pope.
Carpenter	Rogers.
of Dallas.	Russell
Carter of Hays.	of Callahan.
Davenport.	Shearer.
Dielmann.	Sparkman.
Durham.	Stevens.
Green.	Stiernberg.
Hardin of Erath.	Strickland.
Houston.	Thompson.
Lusk.	
Morgan	
of Robertson.	

Mr. Baldwin moved a call of the House for the purpose of maintaining a quorum until 5 o'clock p. m. today, and the motion was lost.

HOUSE BILL NO. 86 ON ENGROSSMENT.

On motion of Mrs. Wilmans, the House took up, for consideration at this time, on its passage to engrossment,

H. B. No. 86, A bill to be entitled "An Act amending Article 6285 of the Revised Civil Statutes of the State of Texas, 1911, and providing for the assistance by the county of any mother unable to properly provide for her children, where the father of such children is either dead, in a State institution, or where she is compelled by divorce to have the entire care and custody of such children without assistance from the father."

The bill having heretofore been read second time and laid on the table subject to call.

Mrs. Wilmans offered the following amendment to the bill:

Amend House bill No. 86 by striking out all after the enacting clause and insert in lieu thereof the following:

Section 1. That Section 1 of Chapter 120, page 313, being Senate bill No. 13, General Laws of the Thirty-fifth Legislature of the State of Texas, be and the same is hereby amended so as to hereafter read as follows, to wit:

Section 1. Any woman who is the mother of a child or children under the age of sixteen years, and who is compelled to support them and to maintain them in her home, and who has been deprived of assistance in their support by her husband, through the death of such husband or through his incarceration in the State Asylum for the Insane, the State Penitentiary or where by divorce she has been given the entire custody of the children without assistance from their father, may present a petition for assistance to the county commissioners court of the county in which she resides, and such mother may be allowed in the discretion of said court the same assistance as now provided by law, as set out in Chapter 3, Title 105 of the Revised Statutes of the State of Texas, 1911.

Sec. 2. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Sec. 3. The fact that there is a large number of children dependent upon outside help through the incarceration of their fathers in State institutions creates an emergency and an imperative public necessity that the constitutional

rule requiring bills to be read on three several days in each house be suspended and the same is hereby suspended and that this act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. McDonald offered the following amendment to the amendment:

Amend the amendment by striking out the words "State penitentiaries" wherever they appear in the amendment.

On motion of Mr. Burmeister, the amendment to the amendment was tabled.

Mr. Jones offered the following amendment to the amendment:

Amend substitute to House bill No. 86, Section 1, after the word "county" by striking out the words "in which she resides," and insert in lieu thereof the following: "from which said convict was convicted."

Mr. Chitwood moved the previous question on the pending amendments and the bill, and the main question was ordered.

Mr. Purl moved to reconsider the vote by which the previous question was ordered, and the motion to reconsider was lost.

Mr. Burmeister moved a call of the House for the purpose of maintaining a quorum pending consideration of House bill No. 86, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall and stated that no member would be allowed to leave the Hall without written permission from the Speaker.

The roll was called and a quorum was announced present.

Question recurring on the amendment to the amendment by Mr. Jones, it was lost.

Question then recurring on the amendment by Mrs. Wilmans, it was adopted.

Mrs. Wilmans offered the following amendment to the bill:

Amend House bill No. 86 by striking out all before the enacting clause and insert in lieu thereof the following:

H. B. No. 86, A bill to be entitled "An Act amending Section 1, Chapter 120, page 313, being Senate bill No. 13, General Laws of the Thirty-fifth Legislature of the State of Texas, and pro-

viding for the assistance by the county of any mother unable to properly provide for her children, under the age of 16 years, whose husband is either incarcerated in the State Asylum for the Insane, the State Penitentiary, or where she is compelled by divorce to have the entire care and custody of such children without assistance from their father, and declaring an emergency."

The amendment was adopted.

Question next recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 86 was then passed to engrossment by the following vote:

Yeas—87.

Mr. Speaker.	Irwin.
Abney.	Lackey.
Amsler.	Laird.
Arnold.	Lamb.
Atkinson.	Lane.
Avis.	LeMaster.
Baker of Orange.	LeSturgeon.
Baldwin.	Lewis.
Barker.	McBride.
Barrett.	McDaniel.
Beasley.	Melson.
Bell.	Miller.
Bird.	Moore.
Blount.	Morgan
Bonham.	of Liberty.
Bryant.	Pate.
Burmeister.	Patman.
Cable.	Perdue.
Carpenter	Potter.
of Matagorda.	Price.
Carter of Coke.	Purl.
Chitwood.	Quinn.
Coffee.	Rowland.
Covey.	Russell of Trinity.
Cowen.	Sackett.
Crawford.	Sanford.
Davis.	Satterwhite.
DeBerry.	Shires.
Dinkle.	Simpson.
Dodd.	Smith.
Driggers.	Stell.
Duffey.	Stewart
Dunlap.	of Edwards.
Dunn.	Stewart of Reeves.
Edwards.	Storey.
Faubion.	Stroder.
Fields.	Sweet.
Finlay.	Thrasher.
Fugler.	Turner.
Gipson.	Vaughan.
Greer.	Wallace.
Harrington.	Westbrook.
Harris.	Williamson.
Henderson	Wilmans.
of Marion.	Winfree.
Hendricks.	Young.

Nays—11.

Carson.	Mathes.
Downs.	Maxwell.
Howeth.	Merritt.
Jennings.	Rice.
Looney.	Stewart of Jasper.
McDonald.	

Present—Not Voting.

Mr. Speaker.	McNatt.
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Absent.

Brady.	McFarlane.
Collins.	McKean.
Culp.	Martin.
Frnka.	Merriman.
Hardin	Montgomery.
of Kaufman.	Pinkston.
Henderson	Pool.
of McLennan.	Quaid.
Hughes.	Robinson.
Hull.	Rountree.
Jacks.	Teer.
Johnson.	Wells.
Jones.	Wessels.
Kemble.	Wilson.
Loftin.	

Absent—Excused.

Baker of Milam.	Patterson.
Bobbitt.	Pope.
Carpenter	Rogers.
of Dallas.	Russell
Carter of Hays.	of Callahan.
Davenport.	Shearer.
Dielmann.	Sparkman.
Durham.	Stevens.
Green.	Stiernberg.
Hardin of Erath.	Strickland.
Houston.	Thompson.
Lusk.	
Morgan	
of Robertson.	

Mr. Burmeister moved to reconsider the vote by which the bill was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

BILLS SIGNED BY THE SPEAKER.

The Speaker signed in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

H. B. No. 455, "An Act repealing Chapter 96 of the Special Law passed at the Third Called Session of the Thirty-sixth Legislature of the State of Texas, and now recreating the Sharp Independent School District in Milam county, Texas, and placing said district

under the general laws governing the school districts incorporated for school purposes only under the general laws of Texas; providing for a board of trustees; providing that this act shall not invalidate local school taxes heretofore voted by the previously existing Common School District No. 76 of Milam county, nor of the previous Sharp Independent School District, and declaring an emergency."

H. B. No. 432, "An Act creating the Green Lake Common School District No. 8 in Roberts county, Texas; defining its boundaries; investing said district with rights, privileges and duties of a common school district under the general laws, and declaring an emergency."

H. B. No. 606, "An Act to reorganize the Thirty-eighth and Sixty-third Judicial Districts of the State of Texas; and to prescribe the time and fix the terms of holding the courts in each of said judicial districts, and to conform all writs and process from such courts to such changes, and to make all process issued or served before this act takes effect, including recognizances and bonds, returnable to the terms of the courts in the several districts as herein fixed and to validate process, and to validate the summoning of grand and petit jurors and juries; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

HOUSE BILL NO. 97 ON ENGROSSMENT.

On motion of Mr. Greer, the House took up for consideration at this time, on its passage to engrossment.

H. B. No. 97, A bill to be entitled "An Act prohibiting the teaching of evolution in any of its phases in the public schools or any of our higher educational institutions in the State of Texas supported in whole or in part by taxation; and prohibiting the members of the State Text Book Commission from adopting or recommending any text book which teaches the theory of evolution, either directly or indirectly, and for other purposes."

The bill having heretofore been read second time and laid on the table subject to call.

Mr. Patman moved a call of the House for the purpose of maintaining a quorum pending consideration of House bill No. 97 and the call was duly seconded.

The Speaker then directed the Door-

keeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

The roll was called and a quorum was announced present.

Mr. Greer offered the following amendment to the bill:

Amend House bill No. 97 by striking out all below enacting clause and by inserting the following:

"Section 1. It shall be unlawful to teach the theory of evolution as a fact, either Darwinian or Theistic, as applied to the origin of mankind in the public schools of this State or in our State normals, agricultural colleges, the State University and all of its branches or any other institution of learning in this State or which may hereafter be established in this State which is supported in whole or in part by taxation.

"Sec. 2. It shall be unlawful for the Texas Text Book Commission or any member thereof to adopt or recommend for adoption any text book which teaches any phase of said theories of evolution or in any way discredits the Genesis account of the origin of man or advances the idea that man was evolved from animal life.

"Sec. 3. This law shall take effect and be in force on and after September 1, 1923, and not sooner."

Mr. Price offered the following amendment to the bill:

Amend House bill No. 97 by striking out the enacting clause.

Mr. Howeth moved to table the amendment by Mr. Price.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—62.

Abney.	Dinkle.
Atkinson.	Dodd.
Avis.	Downs.
Baker of Orange.	Driggers.
Barker.	Duffey.
Bird.	Faubion.
Bonham.	Fields.
Cable.	Gipson.
Carson.	Greer.
Chitwood.	Howeth.
Coffee.	Irwin.
Cowen.	Kemble.
Crawford.]	Lackey.
Culp.	Laird.
Davis.	Lamb.

Lane.	Russell of Trinity.
LeMaster.	Sackett.
Lewis.	Sanford.
Looney.	Stell.
McBride.	Stewart
McDonald.	of Edwards.
McFarlane.	Stewart of Jasper.
McNatt.	Stewart of Reeves.
Merritt.	Stroder.
Morgan	Sweet.
of Liberty.	Thrasher.
Pate.	Wallace.
Perdue.	Wells.
Quinn.	Westbrook.
Rice.	Wilmons.
Rountree.	Winfree.
Rowland.	Young.

Nays—50.

Amsler.	Hendricks.
Arnold.	Jacks.
Baldwin.	Jennings.
Barrett.	Jones.
Beasley.	LeSturgeon.
Bell.	Loftin.
Blount.	McDaniel.
Bryant.	Mathes.
Burmeister.	Maxwell.
Carpenter	Melson.
of Matagorda.	Miller.
Carter of Hays.	Moore.
Covey.	Patman.
DeBerry.	Pool.
Dunlap.	Potter.
Dunn.	Price.
Edwards.	Purl.
Finlay.	Quaid.
Frnka.	Satterwhite.
Fugler.	Shires.
Harrington.	Simpson.
Harris.	Smith.
Henderson	Storey.
of Marion.	Turner.
Henderson	Vaughan.
of McLennan.	Williamson.

Absent.

Brady.	Merriman.
Carter of Coke.	Montgomery.
Collins.	Pinkston.
Hull.	Pope.
Johnson.	Robinson.
McKean.	Teer.
Martin.	Wessels.

Absent—Excused.

Baker of Milam.	Hardin
Bobbitt.	of Kaufman.
Carpenter	Houston.
of Dallas.	Hughes.
Davenport.	Lusk.
Dielmann.	Morgan
Durham.	of Robertson.
Green.	Patterson.
Hardin of Erath.	Rogers.

Russell	Stiernberg.
of Callahan.	Strickland.
Shearer.	Thompson.
Sparkman.	Wilson.
Stevens.	

Mr. Cable moved the previous question on the pending amendment and the bill, and the motion was lost.

Mr. Henderson of McLennan moved that the House adjourn until 10 o'clock a. m. next Monday.

Yeas and nays were demanded and the motion to adjourn was lost by the following vote:

Yeas—15.

Barker.	LeMaster.
Beasley.	Loftin.
Carson.	Maxwell.
Carter of Coke.	Miller.
Frnka.	Patman.
Harrington.	Simpson.
Jacks.	Vaughan.

Nays—90.

Abney.	Henderson
Amsler.	of McLennan.
Arnold.	Hendricks.
Atkinson.	Howeth.
Baker of Orange.	Irwin.
Baldwin.	Jennings.
Barrett.	Jones.
Bell.	Kemble.
Bird.	Lackey.
Blount.	Laird.
Bonham.	Lamb.
Bryant.	Lane.
Burmeister.	Lewis.
Cable.	Looney.
Carpenter	McBride.
of Dallas.	McDaniel.
Carpenter	McDonald.
of Matagorda.	McFarlane.
Chitwood.	McNatt.
Coffee.	Martin.
Covey.	Melson.
Cowen.	Merritt.
Crawford.	Henderson
Culp.	of Marion.
Davis.	Montgomery.
DeBerry.	Moore.
Dinkle.	Morgan
Dodd.	of Liberty.
Downs.	Pate.
Driggers.	Perdue.
Duffey.	Potter.
Dunlap.	Price.
Dunn.	Purl.
Edwards.	Quaid.
Faubion.	Quinn.
Finlay.	Rice.
Fugler.	Rountree.
Gipson.	Rowland.
Greer.	Russell of Trinity
Harris.	Sackett.

Sanford.	Sweet.
Satterwhite.	Thrasher.
Shires.	Turner.
Smith.	Wells.
Stell.	Westbrook.
Stewart	Williamson.
of Edwards.	Wilmans.
Stewart of Jasper.	Winfree.
Stewart of Reeves.	Young.
Stroder.	

Present—Not Voting.

Pool.

Absent.

Avis.	Mathes.
Brady.	Merriman.
Collins.	Pinkston.
Fields.	Robinson.
Hull.	Storey.
Johnson.	Teer.
LeStourgeon.	Wallace.
McKean.	Wessels.

Absent—Excused.

Baker of Milam.	Patterson.
Bobbitt.	Pope.
Carter of Hays.	Rogers.
Davenport.	Russell
Dielmann.	of Callahan.
Durham.	Shearer.
Green.	Sparkman.
Hardin of Erath.	Stevens.
Hardin	Stiernberg.
of Kaufman.	Strickland.
Houston.	Thompson.
Hughes.	Wilson.
Lusk.	
Morgan	
of Robertson.	

Mr. Greer moved the previous question on the pending amendment to House bill No. 97, and the motion was duly seconded.

Question recurring on the motion for the previous question, it was lost.

Question—Shall the amendment by Mr. Greer be adopted?

REQUESTING RETURN OF SENATE BILL NO. 301.

On motion of Mr. Quinn, the Senate was requested to return Senate bill No. 301 to the House for further consideration.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, February 24, 1923.
Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has refused to engross

S. B. No. 156, A bill to be entitled "An Act requiring landlords of Texas to thoroughly fumigate and clean tenant houses, and clean the premises after being vacated by a tenant and before being occupied by another tenant; providing a penalty for the infractions thereof, and declaring an emergency."

And the Senate has granted the request of the House to return Senate bill No. 301 to the House for correction, and herewith return same.

Respectfully,
RICHARD BLALOCK,
Assistant Secretary of the Senate.

ADJOURNMENT.

Mr. Loftin moved that the House adjourn until 2 o'clock p. m. next Monday, and the motion was lost.

Mr. Jones moved that the House adjourn until 10 o'clock a. m. next Monday.

Question then recurring on the motion of Mr. Jones, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—64.

Abney.	Jennings.
Arnold.	Jones.
Atkinson.	Kemble.
Avis.	Lackey.
Barker.	Laird.
Barrett.	LeMaster.
Beasley.	Loftin.
Bell.	McBride.
Bird.	McDaniel.
Blount.	Mathes.
Bonham.	Maxwell.
Bryant.	Melson.
Burmeister.	Merritt.
Carpenter	Miller.
of Matagorda.	Montgomery.
Carson.	Patman.
Coffee.	Price.
Covey.	Purl.
Crawford.	Quaid.
Davis.	Rountree.
DeBerry.	Rowland.
Dodd.	Sackett.
Duffey.	Sanford.
Dunlap.	Satterwhite.
Edwards.	Shires.
Frnka.	Simpson.
Harrington.	Smith.
Harris.	Storey.
Henderson	Stroder.
of Marion.	Sweet.
Henderson	Turner.
of McLennan.	Vaughan.
Hendricks.	Wallace.
Irwin.	Williamson.
Jacks.	

Nays—46.

Amsler.	McNatt.
Baker of Orange.	Martin.
Baldwin.	Moore.
Cable.	Morgan
Carter of Coke.	of Liberty.
Chitwood.	Pate.
Cowen.	Perdue.
Culp.	Pool.
Dinkle.	Potter.
Downs.	Quinn.
Dunn.	Rice.
Faubion.	Russell of Trinity.
Fields.	Stell.
Finlay.	Stewart
Fugler.	of Edwards.
Gipson.	Stewart of Jasper.
Greer.	Stewart of Reeves.
Howeth.	Thrasher.
Lamb.	Wells.
Lane.	Westbrook.
Lewis.	Wilmans.
Looney.	Winfree.
McDonald.	Young.
McFarlane.	

Absent.

Brady.	McKean.
Driggers.	Merriman.
Hardin	Pinkston.
of Kaufman.	Robinson.
Hughes.	Teer.
Hull.	Wessels.
Johnson.	Wilson.
LeStourgeon.	

Absent—Excused.

Baker of Milam.	Morgan
Bobbitt.	of Robertson.
Carpenter	Patterson.
of Dallas.	Pope.
Carter of Hays.	Rogers.
Collins.	Russell
Davenport.	of Callahan.
Dielmann.	Shearer.
Durham.	Sparkman.
Green.	Stevens.
Hardin of Erath.	Stiernberg.
Houston.	Strickland.
Lusk.	Thompson.

The House, accordingly, at 5 o'clock p. m., adjourned until 10 o'clock a. m. next Monday.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports on bills as follows:

Education—House bills Nos. 290, 605.
Roads, Bridges and Ferries—House bill No. 637.

Commerce and Manufactures—House bill No. 161.

Conservation and Reclamation—Senate bill No. 281.

The following committees have filed unfavorable reports on bills as follows:

Banks and Banking—House bill No. 151.

State Affairs—House bills Nos. 429, 533, 385.

Judiciary—House bill No. 629.

REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, February 23, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 609, A bill to be entitled "An Act to amend Section 2, Chapter 22, Acts of the Thirtieth Legislature, Regular Session, re-defining the boundaries of the San Saba Independent School District, and declaring an emergency,"

And find the same correctly engrossed.
DINKLE, Chairman.

Committee Room,

Austin, Texas, February 23, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 553, A bill to be entitled "An Act to amend Section 52 of Article 30, Title 5 of the Revised Statutes, changing the time of holding the terms of the district court of the Fifty-second Judicial District of Texas, repealing all laws and parts of laws in conflict therewith, and declaring an emergency,"

And find the same correctly engrossed.
DINKLE, Chairman.

Committee Room,

Austin, Texas, February 23, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 559, A bill to be entitled "An Act to create the Austwell Independent School District in Refugio county, Texas, including the present

Common School District No. 9 of said county; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the present Common School District No. 9 shall continue to act as such until their successors are elected as provided herein; providing for the assumption of any outstanding indebtedness created by the Common School District No. 9, and declaring an emergency,"

And find the same correctly engrossed.
DINKLE, Chairman.

Committee Room,

Austin, Texas, February 23, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 589, A bill to be entitled "An Act creating the Santa Margarita Independent School District in Willacy county, Texas, and defining its boundaries; providing for the election of a board of trustees therefor; providing for the election of a secretary treasurer, assessor and collector of taxes and all other necessary officers and committees, and prescribing their qualifications; investing said district with all the rights, powers, privileges and duties of a town or village incorporated under the general laws of the State for free school purposes only, and declaring an emergency,"

And find the same correctly engrossed.
DINKLE, Chairman.

Committee Room,

Austin, Texas, February 23, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 557, A bill to be entitled "An Act authorizing and empowering the city of Perryton in Ochiltree county, Texas, to close certain streets; to narrow and reduce in width certain other streets; to, by ordinance, make provision for settlement and adjustment of property rights with owners of property adjacent to and affected by said changes; and validating all ordinances

by said city heretofore passed in connection therewith,"

And find the same correctly engrossed.
DINKLE, Chairman.

Committee Room,

Austin, Texas, February 23, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 551, A bill to be entitled "An Act amending Section 2 of Chapter 72 of the Local and Special Laws of the State of Texas, passed by the Thirty-eighth Legislature at its Regular Session, said act being an act creating the Tynan Independent School District in Bee county, San Patricio and Live Oak counties, Texas; said act being amended by changing boundaries of said district set out in Section 2 thereof, and declaring an emergency,"

And find the same correctly engrossed.
DINKLE, Chairman.

Committee Room,

Austin, Texas, February 23, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 560, A bill to be entitled "An Act creating and incorporating Midway Independent School District in Lynn county, Texas, out of territory now comprising Common School District No. 9 of Lynn county as heretofore created by the county board of school trustees of said county; defining boundary thereof; providing for a board of trustees, their election, terms of office, qualification, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Midway Independent School District shall assume and discharge any and all indebtedness constituting valid and binding obligations of said Common School District No. 9 of Lynn county; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district; providing that title to any and all property of said common school district shall vest in the trustees of independent school district hereby created; providing for filling va-

cancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the general laws of Texas in all matters where this act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this act shall not invalidate any remaining provision thereof, and declaring an emergency,"

And find the same correctly engrossed.
DINKLE, Chairman.

Committee Room,
Austin, Texas, February 23, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 607, A bill to be entitled "An Act to repeal Chapter 74, Special Laws of the Thirty-second Legislature, as amended by Chapter 96, Special Laws of the Thirty-third Legislature, and as further amended by Chapter 89, Special Laws of the Thirty-fourth Legislature, relating to the road system of Leon county, and declaring an emergency,"

And find the same correctly engrossed.
DINKLE, Chairman.

Committee Room,
Austin, Texas, February 23, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 610, A bill to be entitled "An Act to amend Section 1 of Chapter 3, Local and Special Laws, Third Called Session, Thirty-sixth Legislature, amending and revising the metes and bounds of the Moran Independent School District in Shackelford and Callahan counties, Texas, and declaring an emergency,"

And find the same correctly engrossed.
DINKLE, Chairman.

Committee Room,
Austin, Texas, February 23, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 600, A bill to be entitled "An Act to amend Chapter 18 of the Local and Special Laws, passed at the Regular Session of the Thirtieth Legislature, and the same being an act to

create the Tulia Independent School District in Swisher county, Texas, adding thereto Section 6a, validating bond elections heretofore held and bonds issued thereunder, and declaring an emergency,"

And find the same correctly engrossed.
DINKLE, Chairman.

Committee Room,
Austin, Texas, February 23, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 576, A bill to be entitled "An Act amending Chapter 52 of the Special and Local Laws passed by the Thirty-seventh Legislature at its First Called Session by adding thereto Section 3a, providing for the assumption and refunding by the Cooper Independent School District of all or any part of the indebtedness, bonded or otherwise, of the city of Cooper, Texas, created for school purposes, and declaring an emergency"

And find the same correctly engrossed.
DINKLE, Chairman.

Committee Room,
Austin, Texas, February 23, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 495, A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124, Revised Civil Statutes of Texas, 1911, as amended by Chapter 72, General Laws of the Thirty-third Legislature, and Chapters 26 and 99, General Laws of the Thirty-fourth Legislature, and Chapter 131, General Laws of the Thirty-fifth Legislature, and Chapter 10 of the Third Called Session of the Thirty-fifth Legislature, and Chapter 13 of the Fourth Called Session of the Thirty-fifth Legislature, and Chapter 35 of the Acts of the Regular Session of the Thirty-sixth Legislature, and Chapter 105 of the Acts of the Regular Session of the Thirty-sixth Legislature, and Chapter 50 of the General Laws of the Third Called Session of the Thirty-sixth Legislature, and Chapter 32 of the General Laws of the Regular Session of the Thirty-seventh Legislature, with reference to the mode of preventing horses and cer-

tain other animals from running at large in the counties named, so as to include Leon county."

And find the same correctly engrossed.
DINKLE, Chairman.

Committee Room,
Austin, Texas, February 23, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 596, A bill to be entitled "An Act validating a certain issue of schoolhouse bonds aggregating \$5000, bearing interest at 6 per cent per annum, voted by Common School District No. 7 of Lynn county on July 23, 1921; validating the election voting such bonds, all orders of the commissioners court of Lynn county in respect to such election and such bonds, and in addition, all orders levying taxes to support the same, and declaring an emergency,"

And find the same correctly engrossed.
DINKLE, Chairman.

Committee Room,
Austin, Texas, February 23, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, have carefully examined and compared

H. B. No. 588, A bill to be entitled "An Act amending Sections 1 and 5 of Chapter 31 of the Local and Special Laws of the State of Texas, passed by the Thirty-sixth Legislature at its Second Called Session, entitled 'An Act amending and revising the metes and bounds of the Raymondville Independent School District (formerly in Cameron county but now in Willacy county)'; providing that all jurisdiction shall attach to officers of Willacy county instead of Cameron county,"

And find the same correctly engrossed.
DINKLE, Chairman.

Committee Room,
Austin, Texas, February 23, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 510, A bill to be entitled "An Act to increase and fix the salary of the superintendent of public instruction of Dallas county, Texas; providing

for office expenses; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.
DINKLE, Chairman.

Committee Room,
Austin, Texas, February 23, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 564, A bill to be entitled "An Act amending Sections 6 and 6a of Chapter 8, being House bill No. 45, passed at the First Called Session of the Thirty-seventh Legislature of the State of Texas, and entitled 'An Act to amend Chapter 46 of the General Laws of the State of Texas passed at the Regular Session of the Thirty-fifth Legislature, being an act to reorganize the Twenty-eighth Judicial District of the State of Texas, etc.,' and providing for the changing and fixing the time of holding the courts in the Twenty-eighth Judicial District of Texas, and validating and continuing all processes and writs, bonds, recognizances and jurors heretofore selected, etc., returnable to the terms of court as they now exist, and continuing in session any court in said district now in session until adjourned by the judge thereof, and declaring an emergency,"

And find the same correctly engrossed.
DINKLE, Chairman.

Committee Room,
Austin, Texas, February 23, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 487, A bill to be entitled "An Act defining and regulating the practice of chiropody in the State of Texas; providing for the examination and registration of persons desiring to practice chiropody, and the issuance of license therefor; providing for the creation of the State Board of Chiropody Examiners; prescribing fees that may be charged for registration; making it unlawful for any person not licensed under the law of this act to practice chiropody; providing for the registration of persons who have been engaged in the practice of chiropody in other States; for the revocation of licenses

granted by the State Board of Chiropractic Examiners for the State of Texas; prescribing fees to be charged by the State Board of Chiropractic Examiners; defining offenses and prescribing penalties therefor, and declaring an emergency,"

And find the same correctly engrossed.
DINKLE, Chairman.

Committee Room,
Austin, Texas, February 23, 1923.
Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 539, A bill to be entitled "An Act to increase the civil jurisdiction of the county court of Hockley county, and the unorganized county of Cochran, and declaring an emergency,"

And find the same correctly engrossed.
DINKLE, Chairman.

Committee Room,
Austin, Texas, February 23, 1923.
Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 582, A bill to be entitled "An Act creating the Fairview Independent School District in Wichita county, Texas; defining its boundaries; providing for a board of trustees for said independent school district; describing their qualifications and terms of office; defining the rights, powers and privileges of said board, and conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of the State of Texas upon independent school districts and the board of trustees thereof; providing for the creation of a board of trustees; providing for the raising of revenues; declaring valid a maintenance tax heretofore voted, and providing for the assessment and collection of said tax and for a board of equalization of said school district; and providing for the election of trustees thereof; providing for the transportation of pupils under certain conditions, and repealing all laws insofar as they may be in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.
DINKLE, Chairman.

Committee Room,
Austin, Texas, February 23, 1923.
Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 289, A bill to be entitled "An Act to amend Article 3793, Chapter 1, Title 55, of the Revised Civil Statutes of 1911 of the State of Texas, relating to the exemption of personal property from forced sale, and declaring an emergency,"

And find the same correctly engrossed.
DINKLE, Chairman.

REPORTS OF COMMITTEE ON ENROLLED BILLS.

Committee Room,
Austin, Texas, February 24, 1923.
Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 4, Providing for an investigation of the recent alleged contracts let by the Texas Text Book Commission, providing how such investigation shall be conducted and providing how the result of such investigation shall be used,

Have carefully compared same and find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

HENDRICKS, Chairman.

Committee Room,
Austin, Texas, February 24, 1923.
Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 295, "An Act to amend Section 72 of Chapter 87 of the Acts of the Regular Session of the Thirty-fifth Legislature, providing for the election of directors of water improvement districts, and that in certain specified districts such directors shall be appointed by the county commissioners court, such districts being those which contain not to exceed twelve thousand acres of land, and in which sixty per cent or more of the lands are owned by persons residing outside of the district; providing time of appointment of such directors, and that petitions may be filed with said court by the land owners asking for ap-

pointment of certain persons as directors, declaring an emergency,"

Have carefully compared same and find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

HENDRICKS, Chairman.

Committee Room,

Austin, Texas, February 24, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 225, "An Act to prohibit the hunting, trapping, ensnaring or killing of any wild deer, buck, doe or fawn within the limits of the county of Bosque, State of Texas, for a period of five years from and after the passage of this act, and providing a penalty therefor, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

HENDRICKS, Chairman.

Committee Room,

Austin, Texas, February 24, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 335, "An Act amending Sections 3, 5 and 6 of Chapter 33 of the General Laws of the State of Texas, passed by the Thirty-seventh Legislature at its Regular Session, approved March 18, 1921, which was an act entitled 'An Act reorganizing and adjusting the Fourth and Seventy-first Judicial Districts of Texas, incorporating Gregg county in the Seventy-first Judicial District and fixing the time of holding court in each of the several counties of said two districts and providing for the proper administration of said courts, and declaring an emergency,' the purpose of this amendment being to amend Section 3 of said act so as to re-arrange the times of holding courts in the Seventy-first Judicial District of Texas, which composes Harrison and Gregg counties, and making provisions for the validity of process, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

HENDRICKS, Chairman.

Committee Room,

Austin, Texas, February 24, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 427, "An Act to create the Barksdale Independent School District in Edwards and Real counties, Texas, providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected in accordance with the general laws of Texas, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

HENDRICKS, Chairman.

Committee Room,

Austin, Texas, February 24, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 428, "An Act to create the Camp Wood Independent School District in Real, Edwards and Uvalde counties, Texas, providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected in accordance with the general laws of Texas, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

HENDRICKS, Chairman.

Committee Room,

Austin, Texas, February 24, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 367, "An Act to amend an

act passed by the Thirty-second Legislature of the State of Texas at its Regular Session creating the county court of Bexar county for civil cases, by House bill No. 111, approved on February 20, 1911, as found on pages 15, 16 and 17 of the session laws of said Legislature, by adding another section thereto, to wit: Section 12a, providing for the appointment of an official shorthand reporter for said court for the purpose of preserving a record in all cases tried in said court for the information of the court, jury and parties in said causes; providing for the salary and fees of such shorthand reporter, and providing for additional costs to be taxed in each case now pending and hereafter to be filed in said court, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

HENDRICKS, Chairman.

Committee Room,

Austin, Texas, February 24, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 478, "An Act creating an independent school district to be known as the Riverdale Independent School District in Goliad county, and to provide for a board of trustees and other officers of such district; to authorize the board of trustees to levy and assess and collect special taxes, and to issue and dispose of bonds of such district for the purpose of purchasing school sites and erecting, repairing, furnishing and equipping school buildings within the same and to pay current expenses in the maintenance and support of public schools therein, and to further prescribe the duties and authority of the board of trustees, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

HENDRICKS, Chairman.

THIRTY-FIFTH DAY.

(Monday, February 26, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Kemble.
Arnold.	Lackey.
Atkinson.	Laird.
Avis.	Lamb.
Baker of Milam.	Lane.
Baker of Orange.	LeMaster.
Baldwin.	LeSturgeon.
Barker.	Lewis.
Barrett.	Loftin.
Beasley.	Looney.
Bell.	McBride.
Bird.	McDaniel.
Blount.	McDonald.
Bobbitt.	McFarlane.
Bonham.	McNatt.
Brady.	Martin.
Bryant.	Mathes.
Burmeister.	Maxwell.
Cable.	Melson.
Carpenter	Merriman.
of Matagorda.	Merritt.
Carson.	Miller.
Carter of Coke.	Montgomery.
Chitwood.	Moore.
Coffee.	Morgan
Collins.	of Liberty.
Covey.	Morgan
Cowen.	of Robertson.
Crawford.	Pate.
Culp.	Patman.
Davenport.	Patterson.
Davis.	Perdue.
DeBerry.	Pinkston.
Dinkle.	Pool.
Dodd.	Pope.
Downs.	Potter.
Driggers.	Price.
Duffey.	Purl.
Dunlap.	Quaid.
Dunn.	Quinn.
Edwards.	Rice.
Faubion.	Robinson.
Fields.	Rogers.
Finlay.	Rountree.
Frnka.	Rowland.
Fugler.	Russell
Gipson.	of Callahan.
Greer.	Russell of Trinity.
Hardin of Erath.	Sackett.
Harrington.	Sanford.
Harris.	Satterwhite.
Henderson	Shearer.
of Marion.	Shires.
Henderson	Simpson.
of McLennan.	Smith.
Hendricks.	Sparkman.
Houston.	Stell.
Howeth.	Stewart
Hull.	of Edwards.
Irwin.	Stewart of Jasper.
Jacks.	Stewart of Reeves.
Jennings.	Storey.
Johnson.	Stroder.
Jones.	Sweet.